

REMARKS

This is in response to the Final Office Action mailed May 11, 2010. Claims 1-4, 8, 12-15, 17, 19-23, and 27 are currently pending. Claims 1, 3-4, 12, 14, 15, 17, 20-23, and 27 stand rejected. Claims 2, 8, 13, and 19 are objected to. Applicants have amended claim 20 to clarify the claimed subject matter. No new matter is added.

Claim Objections

The Office Action objects to claims 2, 8, 13, and 19 as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The discussion provided below demonstrates that independent claims 1, 12, and 20 are allowable. Accordingly, Applicants respectfully request the withdrawal of the objections to claims 2, 8, 13, 19, 21, and 27.

Claim Rejections under 35 U.S.C. § 101

The Office Action rejects claim 20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants have amended claim 20 to recite a computer-readable storage medium providing non-volatile physical storage of computer-readable instructions. Support for this amendment is found in paragraph 361 of Applicants' specification. Applicants' specification makes it clear that a computer-readable storage medium is a physical device or article of manufacture. Devices and articles of manufacture are statutory subject matter under 35 U.S.C. § 101. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 101 of claim 20.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1, 3, and 4

The Office Action rejects claims 1, 3, and 4 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,678,882 B1 to Hurley et al. (hereinafter, "Hurley") in view of U.S. Patent Application Publication No. 2001/0049717 A1 to Freeman et al (hereinafter, "Freeman") in further view of U.S. Patent Application Publication No. 2004/0117579 A1 to Wu et al. (hereinafter, "Wu").

Applicants respectfully traverse the rejection of claims 1, 3, and 4 under 35 U.S.C. § 103(a) for at least the following reasons.

The Office Action does not provide a proper explanation of the rejection of claim 1 under 35 U.S.C. § 103(a). Rather, the Office Action refers to an old version of claim 1 instead of the current version of claim 1 (i.e., the version of claim 1 first presented in the Amendment filed June 5, 2009 in response to the Final Office Action mailed December 5, 2008). For at least this reason, Applicants request the withdrawal of the rejection of claim 1 and its dependent claims under 35 U.S.C. § 103(a).

Furthermore, claim 1 recites, among other elements, “storing, at a first electronic computer system, a first relational database, the first relational database comprising a local version of an item ... the local version of the item comprising a set of elements, the local version of the item comprising a change unit, the change unit including at least one element in the set of elements.”

During the Examiner Interview, the Examiner explained that he had been under the impression that the “MergeAgent” discussed in Hurley teaches the “change unit” of claim 1. Hurley explains that an “agent” is “a human or a software element possessing some degree of intelligence.” Hurley, col. 1, line 39-40. Examples of software agents are software systems external to the collaborative system and workflow processes such as automated business processes within the collaborative system.” Hurley, column 1, lines 40-44. The “MergeAgent” of Hurley is discussed in a passage at column 30, line 15, through column 31, line 47. The “MergeAgent” of Hurley “initiates a collection of changes, merges them, and asynchronously updates both the persistent Subject(s) and the replicated versions...” Hurley, claim 30, lines 28-30. In addition, “MergeAgents apply rules at block 606 to determine which changes are accepted and which are rejected, and what to do when changes are not received in the chronological order in which they were made. A MergeAgent decides how sets of changes are used to provide users with a consistent view of an element.” Hurley, column 39, lines 54-59.

The “MergeAgent” of Hurley does not teach the “change unit” of claim 1. Claim 1 provides that a relational database comprises a local version of an item. In addition, claim 1 provides that the local version of the item comprises a set of elements. Claim 1 also provides that the local version of the item comprises a change unit and that the change unit includes at

least one element in the set of elements. Hence, if the “MergeAgent” of Hurley were indeed to teach the “change unit” of claim 1, an item in a relational database would comprise the “MergeAgent” of Hurley. There is nothing in Hurley to suggest that an item in a relational database comprises the “MergeAgent” of Hurley. In addition, if the “MergeAgent” of Hurley were indeed to teach the “change unit” of claim 1, the “MergeAgent” of Hurley would include at least one element in the set of elements in an item in a relational database. There is nothing in Hurley to suggest that the “MergeAgent” of Hurley includes at least one element in the set of elements in an item in a relational database. Therefore, the “MergeAgent” of Hurley fails to teach the “change unit” of claim 1.

Freeman and Wu fail to overcome this deficiency of Hurley. Because Hurley in view of Freeman in view of Wu does not teach each element of claim 1, claim 1 is not obvious over Hurley in view of Freeman in view of Wu. Claims 3 and 4 depend from claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1, 3 and 4 under 35 U.S.C. § 103(a).

Claims 12, 14, 15, and 17

The Office Action rejects claims 12, 14, 15 and 17 under 35 U.S.C. § 103(a) over Hurley in view of Freeman in further view of Wu. Applicants respectfully traverse the rejection of claims 12, 14, 15, and 17 under 35 U.S.C. § 103(a) for at least the following reasons.

Among other elements, claim 12 recites “a first relational database, the first relational database comprising a local version of an item ... the local version of the item comprising a set of elements, the local version of the item comprising a change unit, the change unit including at least one element in the set of elements.” The reasoning provided above with regard to claim 1 demonstrates that Hurley in view of Freeman in view of Wu fails to teach this element of claim 12. Claims 14, 15, and 17 depend from claim 12. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 12, 14, 15, and 17.

Claims 20, 22, and 23

The Office Action rejects claims 20, 22, and 23 under 35 U.S.C. § 103(a) over Hurley in view of Freeman in further view of Wu. Applicants respectfully traverse the rejection of claims 20, 22, and 23 under 35 U.S.C. § 103(a) for at least the following reasons.

Among other elements, claim 20 recites “store a first relational database, the first relational database comprising a plurality of items ... the plurality of items comprising a local version of a first item ... the local version of the first item having a plurality of elements ... the local version of the first item comprising a change unit, the change unit including at least one element in the plurality of elements.” The reasoning provided above with regard to claim 1 demonstrates that Hurley in view of Freeman in view of Wu fails to teach this element of claim 20. Claims 22 and 23 depend from claim 20. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 20, 22, and 23.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner’s reconsideration and reexamination of the application, and the timely allowance of the pending claims. The Examiner is encouraged to contact the undersigned with any questions regarding this application.

The Office Action may contain arguments and rejections that are not directly addressed by this Amendment and Response because they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment and Response to directly address an argument raised in the Office Action should not be taken as an indication that the Applicants believe the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the references of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

The Commissioner is hereby authorized to charge any additional fees as set forth in §§ 38 CFR 1.16 to 1.18 which may be required for entry of these papers or to credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: July 9, 2010

/Albert W. Vredeveld/
Name: Albert W. Vredeveld
Reg. No.: 60,315